

REMARKS

The Office Action of July 23, 2009 was received and carefully reviewed. Claims 1-10, 17-23, 25-27, 29-31, 33-36, 38-39, 41-42, 44-47, 49-50, 52-53 and 55-64 were pending prior to the instant amendment. By this amendment, claims 1, 2, 3, 29, 33, 38, 41, 44, 49 and 52, are amended. Consequently, claims 1-10, 17-23, 25-27, 29-31, 33-36, 38-39, 41-42, 44-47, 49-50, 52-53 and 55-64 are currently pending in the instant application, of which, claims 17-23 and 25-27, are withdrawn. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1, 5, 33 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ozawa (U.S. Patent No. 6,194,837) in view of Kunii et al. (U.S. Patent No. 5,412,493, hereinafter “Kunii”).

Claims 2-4, 6-7, 34, 38, 45, 49, and 55-64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ozawa in view of Kunii and further in view of Luo (U.S. Patent No. 4,040,073).

Ozawa, Kunii, and Luo, however, fail to render the claimed invention unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claim 1 has been amended to recite a combination that includes, among other things:

“ . . . a second thin film transistor comprising at least two thin film transistors . . . wherein at least the two thin film transistors and the electroluminescence element are connected in series.”

Independent claims 2, 3, 29, 33, 38, 41, 44, 49 and 52 recite similar features. Support for the aforementioned features is found, at least, in FIG. 21A and corresponding of Applicant’s originally filed specification. At the very least, the applied references, whether taken alone or

in combination, fail to disclose or suggest any of these exemplary features recited in independent claims 1, 2, 3, 29, 33, 38, 41, 44, 49 and 52.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Ozawa, Kunii, and Luo, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1, 2, 3, 29, 33, 38, 41, 44, 49 and 52. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 2, 3, 29, 33, 38, 41, 44, 49 or 52 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 2, 3, 29, 33, 38, 41, 44, 49 and 52. In addition, each of the dependent claims also recites combinations that are separately patentable.

Claims 1, 5, 33 and 44 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of co-pending Application No. 10/980,603.

Claims 1, 5, 8, 33, 35 and 44 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application No. 10/337,391.

Claims 1-10, 39-31, 33-36, 38-39, 41-42, 44-47, 49-50, and 52-53 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17-30 of co-pending Application No. 11/258,933.

Claims 2-4, 34, 38-39, 45, 49, and 50 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application No. 10/980,603 in view of Luo.

Claims 2-4, 31, 34, 36, 38-39, 42, 45, 47, 49, 50, and 53 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application No. 10/337,391 in view of Luo.

Applicants respectfully request that these rejections be held in abeyance until otherwise allowable claims are designated in the instant application.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

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